

REMARKS

Claims 40 and 41 have been cancelled to render the objection of claim 40 moot.

The Examiner objected to claim 38 as purportedly attempting to claim the same limitations as claim 7. It is noted that the subject matter of claim 38 is clearly different from the subject matter of claim 7. Therefore, withdrawal of this objection is respectfully requested.

Claim 39 was objected to as purportedly attempting to claim the same limitations as claim 10. Note that claim 39 depends from claim 1, which recites a single file benchmark and unique file benchmark. These features do not appear in claim 10. Therefore, claim 39 and claim 10 do not claim the same subject matter. Therefore, withdrawal of this objection is respectfully requested.

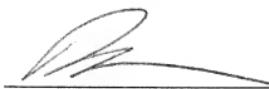
The remaining rejections are being appealed in a concurrently submitted appeal brief.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (60990043-1).

Respectfully submitted,

Date:

6/25/2008


Dan C. Hu

Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883